



## COCHISE COUNTY

# COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

### MEMORANDUM

**TO:** Board of Supervisors  
**THROUGH:** Michael Ortega, County Administrator  
**FROM:** Dora V. Flores, Zoning Administrator  
**FOR:** Beverly J. Wilson, Planning Director  
**SUBJECT:** Docket R-14-08 (Zoning Regulations Updates)  
**DATE:** November 18, 2014

### I. PLANNING AND ZONING COMMISSION

On Wednesday, November 12, 2014, the Planning and Zoning Commission voted 6-0 unanimously to forward this Docket to the Board of Supervisors with a recommendation of approval.

### II. BACKGROUND AND PROPOSED CHANGES

Docket R-14-08 is a resolution that proposes several revisions to the Cochise County Zoning Regulations, last revised and adopted on September 9<sup>th</sup> of 2014 (Resolution 14-09). Section 102.A.8 of the Cochise County Comprehensive Plan requires periodic review and updates to the Zoning Regulations to "reduce complexity, contradictions, and unnecessary regulations." The overall intent of the proposed revisions is to simplify and clarify the existing regulations. These proposed changes incorporate the addition of the Cochise County Light Pollution Code as Article 16 of the Zoning Regulations, as well as clerical edits and amendments to the Zoning Regulations. A summary listing of the changes as well as the complete draft document (with additions and deletions shown) is included for consideration. Following is a brief review of each Article and the changes Staff is proposing:

#### Article 2 (Definitions): Modified Definitions

**Accessory Living Quarters:** Verbiage deleted to eliminate confusion on how the size of an Accessory Living Quarter is calculated, this will count the gross square footage area of both and will require an Accessory Living Quarter to be subordinate to the principal dwelling.

#### **Bed and Breakfast Lodging:**

**Bed and Breakfast Inn** – Verbiage added to allow the rental of a residence to transient lodgers without requiring the applicant to apply for a Special Use Authorization and only having them follow the procedures in Article 17 for a Bed & Breakfast.

**Onsite Agricultural Processing Services:** Deleted "Onsite Agricultural Processing Services, it was a duplicate, should have been deleted, this definition was replaced with: **Agricultural**

**Processing Services, On-Site** - An agricultural processing service located in Growth Category D where at least 70% of the crop input for facility is grown on site. No use or building permit is required.

**Article 6 (RU, Rural Zoning Districts):**

**605 Permitted Accessory Uses**

Verbiage deleted/added as the information was moved from Article 17 to Definitions on a previous update.

**Article 16 – Light Pollution:** Changes include the following:

- The Cochise County Light Pollution Code has been inserted into the vacant Article 16 as it was approved by the Board of Supervisors on September 9, 2014.
- Throughout Article 16 all verbiage has been changed from “Code” to “Article” since this is now in our Zoning Regulations as an Article instead of its stand alone Code.
- Throughout Article 16 all of the old section numbers were renumbered with the new Article 16 numbering format.
- Throughout Article 16 all verbiage has been changed from “this Code” to “these Zoning Regulations” and “Light Pollution Code” to “Article”.
- **1608.04 Federal and State Facilities**

Deleted “political subdivisions thereof” - Deleted to required political subdivisions such as schools and fire departments to comply with the Light Pollution.

**Article 17 (Administration):** Changes include the following:

- 1715.02 - Language deleted and added to clarify percentage of modification allowed.
- 1716.03.C - Language added to ensure proper authorization is received from the property owner.
- 1717.01 - Deleted and added verbiage to allow the applicant to apply for an ALQ without having to spend a lot of money on plans (construction/site plans) that may not be needed if the ALQ is not approved.

**Article 18 (Site Development Standards):** Changes include the following:

- 1802.12 - Entire section deleted as the Light Pollution Code is now Article 16.
- 1804.02.E - Section “E” was added here as it was previously in section 1810.03 which was deleted since we inserted the light pollution code into Article 16. (“Parking areas used for activities operating during hours of darkness shall be lighted and all lighting must comply with this Article.”)
- 1810 - Entire section deleted and now it is reserved for “Future Use” as the Light Pollution Code is now Article 16.

**Article 19 (Sign Code):**

Verbiage changed from “Cochise County Light Pollution Code” to “Article 16 throughout section since we inserted the Code into Article 16.

**Article 20 (Exemptions, Exceptions and Nonconformances):** Changes include the following:

- 2002.02 - Verbiage added to clarify when building code review is required.
- 2002.02 - Added the departments that may require review, as section “D” was deleted below.
- 2002.02.C - Rearranged as schools are exempt from zoning because they are a political subdivision of the state per ARS, they are not special districts.
- 2002.02.C - Language added to ensure only actual essential government services are exempt.

**Article 23 (Amendments):**

- 2303 - Removing verbiage will allow a permit length to be shortened for any type of violation on the property, such as operating a business without a permit or placing a structure such as a shed or manufactured home on the property without a permit.

**III. SUMMARY AND RECOMMENDATION**

Staff previously indicated that minor edits and corrections would be addressed in a timely manner. The updates and edits included in these proposed changes reflect the spirit of addressing issues in a timely manner. Staff is requesting that the Board consider approving the changes as presented.

Sample Motion: *Chairman Call, I move to approve Docket 14-08 as proposed.*

**IV. ATTACHMENTS**

- A. Exhibit A (proposed revisions to the Zoning Regulations)